

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**CSX TRANSPORTATION, INC.,**

**Plaintiff,**

**v.**

**Civil Action No. 2:18-cv-530-MSD-RJK**

**NORFOLK SOUTHERN RAILWAY  
COMPANY, *et al.*,**

**Defendants.**

**NOTICE OF MOTION TO FILE DOCUMENTS UNDER SEAL**

PLEASE TAKE NOTICE THAT Defendant Norfolk and Portsmouth Belt Line Railroad Company (the “Belt Line”), by counsel, pursuant to Local Civil Rule 5 and the Stipulated Protective Order entered on October 29, 2019 (D.E. 79), is moving this Court for leave to file under seal two things: (1) unredacted portions of its memorandum in support of its motion in limine to exclude evidence or argument about CSXT’s private switching rates and (2) Exhibits A, C, D and E to the memorandum in support.

As set forth in the Belt Line’s nonconfidential memorandum in support of this motion to seal, the information to be filed under seal has been designated “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL,” or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by plaintiff CSX Transportation, Inc. and co-defendant Norfolk Southern Railway Company. It contains highly confidential and sensitive information relating to CSXT’s, NS’s, and the Belt Line’s transportation and shipping practices, business strategies, internal communications, and other highly confidential, proprietary, and sensitive business information, the release of which would harm the parties.

Any party or non-party may submit memoranda in support of or in opposition to this motion within seven days, designating all or part of such memoranda as confidential. Any information

designated as confidential in a supporting or opposing memorandum will be treated as sealed pending a determination by the Court on the motion to seal. Any person objecting to this motion must file an objection with the Clerk within seven days after the filing of this motion. If no objection is filed in a timely manner, the Court may treat the motion as uncontested.

Dated: May 7, 2021

**NORFOLK AND PORTSMOUTH BELT LINE  
RAILROAD COMPANY**

By: /s/ W. Ryan Snow

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*Counsel for Norfolk and Portsmouth  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of May 2021, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Eastern District of Virginia, Norfolk Division, using the electronic case filing system of the court. The electronic case filing system will send a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ W. Ryan Snow  
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